

Declaratory Resolution.

No. 716-1940

For the condemnation of a right-of way for intercepting sewer purposes across, through and under the following described real estate, to-wit: Beginning at a point on the west property line of Sub 1 of Lot 1 of Eliza Hanna Sr's Sub-Division to the City of Fort Wayne, Indiana, forty-four and forty-seven hundredths feet from the N.W. corner of said lot, thence Northeasterly to a point on the north property line of said lot eighteen and ninety-five hundredth feet from the Northwest corner of said lot.

APPROVE-ADOPT: Tues. Jan. 23, 1940
10:00 A.M.

NOT. PROP. OWNERS: Jan. 24-31, 1940
HEARING: Thur. Feb. 15, 1940, 7:30 PM

CONFIRMED AS "MODIFIED" Feb. 15,
to read as follows: 1940, 7:30 PM

"Beginning at a point on the east property line of Clinton Street as now located, forty-four and forty-seven hundredths (44.47) feet south of the S. property line of Barr St. as now located; thence to the N.E. to a point on the S. property line of Barr Street as now located eighteen and ninety-five hundredth (18.95) feet East of the east property line of Clinton Street as now located."

ASSESS. ROLL ORD: Feb. 15, 1940
ASSESS. ROLL APPROVED: 2-20-40
10 A.M.

NOTICES SERVED: Tues. 2-20-40

~~CONFIRMED~~

Thurs. March 7, 1940, 7:30 P.M.

DECLARATORY RESOLUTION NO. 716-1940

For the condemnation of a right of way for intercepting sewer purposes across, through and under the following described real estate, to-wit: Beginning at a point on the west property line of Sub 1 of lot number one (1) in Eliza Hanna Sr's Subdivision to the City of Fort Wayne, Indiana, forty-four and forty-seven hundredths feet from the Northwest corner of said lot, thence Northeasterly to a point on the north property line of said lot eighteen and ninety-five hundredths feet from the Northwest corner of said lot.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is deemed necessary to condemn and acquire the use and fee simple title for a right of way for a temporary sewer construction easement eighty (80) feet in width and a permanent sewer easement twenty (20) feet in width, across, through and under the following described real estate, to-wit:

Beginning at a point on the west property line of Sub 1 of lot number one (1) in Eliza Hanna Sr's Subdivision to the City of Fort Wayne, Indiana, forty-four and forty-seven hundredths feet from the Northwest corner of said lot, thence Northeasterly to a point on the north property line of said lot eighteen and ninety-five hundredths feet from the Northwest corner of said lot.

The condemnation of the right of way as above described to be made by condemning and appropriating for sewer right of way the following described real estate, to-wit:

Beginning at a point on the west property line of Sub 1 of lot number one (1) in Eliza Hanna Sr's Subdivision to the City of Fort Wayne, Indiana, forty-four and forty-seven hundredths feet from the Northwest corner of said lot, thence Northeasterly to a point on the north property line of said lot eighteen and ninety-five hundredths feet from the Northwest corner of said lot.

*"Modified" February 15, 1940
See Amendment to
Declaratory Resolution No. 716*



All as shown by a plan of such proposed condemnation of said right of way now on file in the office of the Department of Public Works of said City.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations," approved March 6, 1905, and the provisions of all acts amendatory thereto and supplemental thereof, and "An Act to authorize cities and towns to construct, own, equip, operate, maintain and improve works for the treatment and for the disposal of sewage; to authorize charges against owners of premises for the use of such works and to provide for the collection of same; to authorize cities and towns to issue revenue bonds payable solely from the revenues of such works and to make such bonds exempt from taxation and to make them lawful investments of sinking funds; to authorize contracts for the use of such works by other cities, towns, and political subdivisions and charges against owners of premises therein served thereby; and declaring an emergency," approved August 17, 1932, and the provisions of all acts amendatory thereto and supplemental thereof.

That the Board of Public Works of the City of Fort Wayne desires and deems it necessary for the City of Fort Wayne that the use and fee simple title of said aforementioned real estate be condemned and appropriated for intercepting sewer purposes.

That the City of Fort Wayne will be benefited by acquiring the use and fee simple title on the part of the City of said real estate and ground herein described, which real estate is hereby proposed to be condemned and appropriated. That no other property is injuriously affected excepting the

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property herein to be condemned and appropriated and that the City of Fort Wayne is or will be benifited to the full extent of any damage caused by the appropriation and condemnation.

That payment for damages shall be made pursuant to the provisions and conditions of Chapter 61 of the 1932 Acts of the General Assembly of the State of Indiana, Special Session.

Adopted this 23rd day of January, 1940.

Daniel Lewis.

J. H. Rhoads

and the Secretary of the Board of Directors of the
Federal Reserve Bank of New York, New York, and
the Federal Reserve Bank of Chicago, Chicago, Illinois.

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Federal Reserve Bank of New York, New York, and
the Federal Reserve Bank of Chicago, Chicago, Illinois.

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AMENDMENT TO DECLARATORY RESOLUTION NO. 716

WHEREAS, there was heretofore filed with and adopted by the Board of Works of the City of Fort Wayne, a resolution condemning a right of way for sewer purposes across, through and under the following described real estate situated in the City of Fort Wayne, Allen County, Indiana, to-wit:

Sub 1 of Lot 1 of Eliza Hanna Sr's. Sub-Division to the City of Fort Wayne, Indiana,

and

WHEREAS, it has been deemed advisable to condemn a lesser easement across, through and under said real estate than was originally described in said resolution,

BE IT THEREFORE RESOLVED, that the resolution heretofore filed and adopted be amended as follows: that the easement description contained in said original resolution be struck out and that the following description be inserted instead, to-wit:

A right of way for a permanent sewer construction easement twenty (20) feet in width, across, through and under Sub 1 of Lot 1 in Eliza Hanna, Sr's. Subdivision to the City of Fort Wayne, and with an identical centerline described as follows, to-wit:

Beginning at a point on the east property line of Clinton Street as now located, forty-four and forty-seven hundredths (44.47) feet south of the south property line of Barr Street as now located; thence to the northeast to a point on the south property line of Barr Street as now located eighteen and ninety-five hundredths (18.95) feet East of the east property line of Clinton Street as now located.

Adopted this 15 day of February, 1940.

David L. Lewis
J. H. Johnson

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LLOYD S. HARTZLER
ATTORNEY AND COUNSELOR-AT-LAW
206-S DIME BANK BUILDING
FORT WAYNE, INDIANA

January 17, 1940

Board of Public Works
City Hall
Fort Wayne, Indiana

Gentlemen:

Enclosed you will find two copies of the declaratory resolution, together with two copies of drawings and descriptions relative to a temporary and permanent easement over Sub 1 Lot 1 Eliza Hanna Sr's Subdivision to the City of Fort Wayne, Indiana. This has to do with easement for the Clinton Street Interceptor.

This real estate is owned by the George Ortlieb estate. The heirs of this estate, upon whom notice should be served, are as follows: Mrs. Edna Pearl Ortlieb, George Ortlieb (this is evidently a son of the decedent), Mrs. Charles (Amelia) Paul, and Arthur Ortlieb.

A filling station is being operated upon this property by Guy Smith. As I understand it, Mr. Smith has a lease from the Ortlieb heirs. I have endeavored to procure an easement without condemnation but Mr. Smith would like drop his lease and for this reason, I believe, will not cooperate. The Ortlieb heirs are afraid they will lose their lease and for this reason will not do anything. For these reasons, I feel the advisable thing to do is to adopt the declaratory resolution and proceed in the usual manner.

Yours very truly,

Lloyd S. Hartzler
Lloyd S. Hartzler,
Associate City Attorney

LSH:MF
Enc. (4)

DESCRIPTION OF TEMPORARY AND PERMANENT

SEWER EASEMENT OF

Sub 1 of Lot No. 1 in Eliza Hanna Sr's subdivision to the City of Fort Wayne, Indiana.

A temporary sewer construction easement eighty (80) feet in width and a permanent sewer easement twenty (20) feet in width with an identical centerline described as follows to wit:

Beginning at a point on the west property line of Sub 1 of lot number one (1) in Eliza Hanna Sr's Subdivision to the City of Fort Wayne, Indiana, forty-four and forty-seven hundredths feet from the Northwest corner of said lot, thence Northeasterly to a point on the north property line of said lot eighteen and ninety-five hundredths feet from the Northwest corner of said lot.

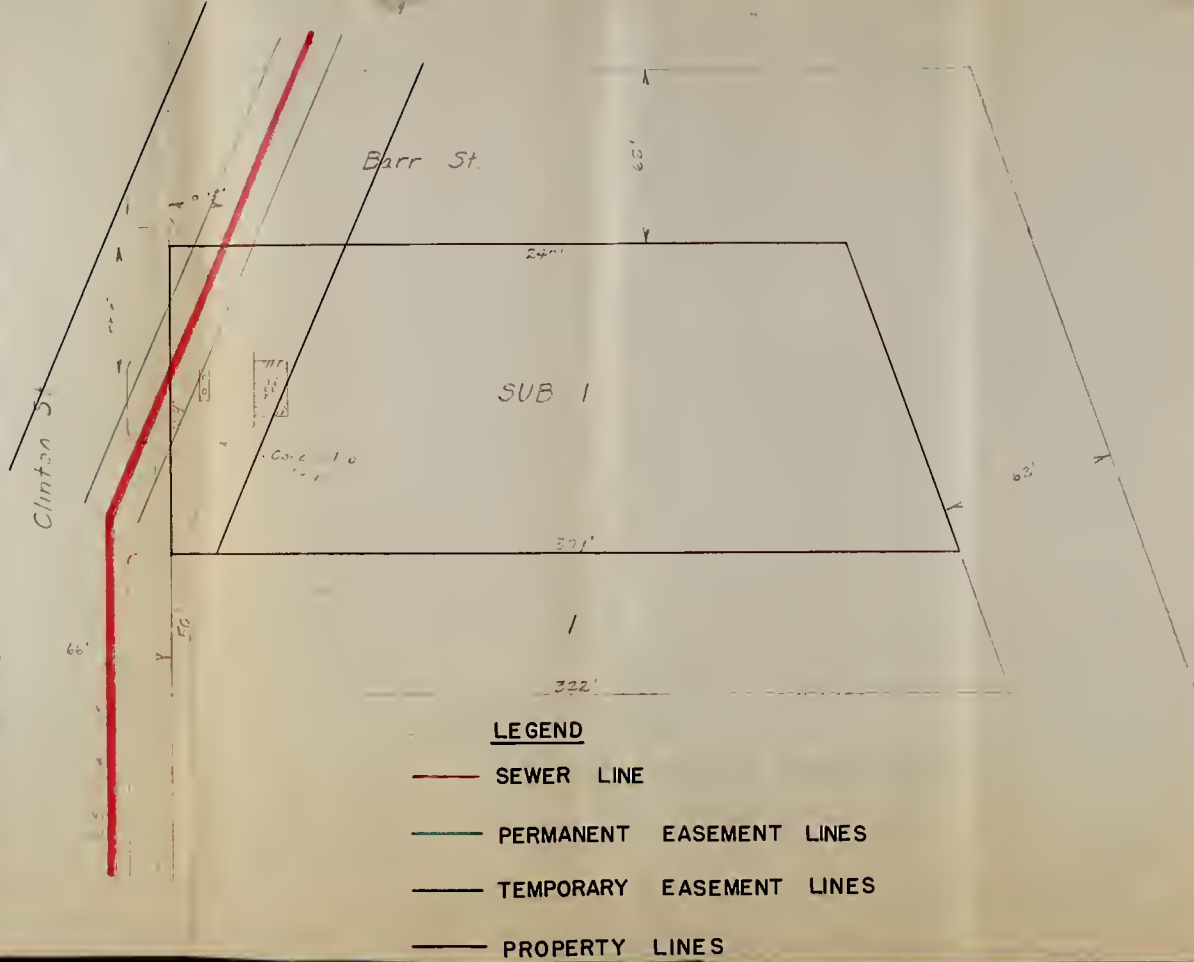
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Beginning at a point on the west property line of Sub 1 of lot number one (1) in Eliza Hanna Sr's Subdivision to the City of Fort Wayne, Indiana, forty-four and forty-seven hundredths feet from the Northwest corner of said lot, thence Northeasterly to a point on the north property line of said lot eighteen and ninety-five hundredths feet from the Northwest corner of said lot.



EASEMENT PLOT FOR RIGHT-OF-WAY THROUGH
LOT 11, SUB 1 of Lot 1 of ELIZABETH HANCOCK TRS
SUGGESTED TO THE CITY OF FORT MYERS, INDIANA
FOR SEWER PURPOSES

CLINTON ST. INTERCEPTOR
FORT MYERS, INDIANA
P.W. COOK & CO. INC. 1061-F

CHAS. W. COLE
Consulting Engineer

Improvement Res. No.

Resolution Adopted:

Confirmed:

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed: